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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 ARMANDO BELTRAN PRADO,

10 Petitioner,

11 v.

12 KRISTJEN M. NIELSEN, Secretary of the
United States Department of Homeland
Security, *et al.*,

13 Respondents.
14

NO. C18-1307-JLR-JPD

ORDER GRANTING TEMPORARY
STAY OF REMOVAL AND
DIRECTING SERVICE

15 Petitioner, proceeding through counsel, filed a petition for writ of habeas corpus
16 pursuant to 28 U.S.C. § 2241, together with an emergency request for stay of removal. Dkt. 1-
17 13. Petitioner is currently detained by U.S. Immigration and Customs Enforcement ("ICE") in
18 Tukwila, Washington, and is scheduled for imminent removal on September 4, 2018. *Id.*
19 Petitioner moves for a stay of removal so that the respondent agencies may adjudicate his
20 Motion to Reopen Removal Proceedings before the Board of Immigration Appeals, and to
21 adjudicate his "T" ("trafficking victim") visa application so that he may remain with his family
22 in the United States. Having reviewed petitioner's submissions, the Court ORDERS as
23 follows:
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ORDER GRANTING TEMPORARY
STAY OF REMOVAL AND DIRECTING
SERVICE- 1

1 (1) In light of the immediacy of the harm to petitioner before an opportunity for
2 review of the case on the merits takes place, petitioner's removal is temporarily STAYED
3 pending briefing and a resolution of petitioner's motion for stay. The Court expresses no
4 views at this time as to the merits of petitioner's habeas petition or motion for stay.

5 (2) If not previously accomplished, electronic posting of this Order and petitioner's
6 § 2241 habeas petition shall effect service upon the United States Attorney of the petition and
7 all supporting documents, including the emergency request for stay of removal. Service upon
8 the United States Attorney is deemed to be service upon the following respondents: Kristjen
9 M. Nielson, Secretary of the United States Department of Homeland Security; the Department
10 of Homeland Security; Jefferson Beauregard Sessions, III, Attorney General of the United
11 States; Bryan S. Wilcox, Acting Director of Enforcement and Removal Operations in the
12 Seattle District Office; United States Immigration and Customs Enforcement; Lee Francis
13 Cissna, Director of United States Citizenship and Immigration Services; the United States
14 Citizenship and Immigration Services; and the United States of America.

15 (3) **Within thirty (30) days of the date this Order is posted**, respondent(s) shall
16 show cause why a writ of habeas corpus should not be granted by filing and serving a return as
17 provided in 28 U.S.C. § 2243. As a part of the return, respondent(s) shall submit a
18 memorandum of authorities in support of their position and state whether an evidentiary
19 hearing is necessary. Also as a part of the return, respondent(s) shall respond to petitioner's
20 request for stay.

21 (4) The return will be treated in accordance with Local Rule LCR 7. Accordingly,
22 on the face of the return, respondent(s) shall note it for consideration on the fourth Friday after
23 it is filed, and the Clerk shall note the return accordingly. Petitioner may file and serve a
24 response not later than the Monday immediately preceding the Friday appointed for

ORDER GRANTING TEMPORARY
STAY OF REMOVAL AND DIRECTING
SERVICE- 2

1 consideration of the matter, and respondent(s) may file and serve a reply brief not later than the
2 Friday designated for consideration of the matter.

3 (5) If petitioner's custody status changes at any point during this litigation,
4 **respondent(s) shall file a status update with the Court as soon as possible and no later**
5 **than 14 days after the change.**

6 (6) The Clerk shall send copies of this Order to petitioner and to the Honorable James
7 P. Donohue.

8 DATED this 4th day of Sept., 2018.

9 
10 JAMES L. ROBART
11 United States District Judge

12 Recommended for Entry
13 this 4th of September, 2018.

14 /s/ Mary Alice Theiler
15 MARY ALICE THEILER
16 United States Magistrate Judge